THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.18379 OF 2005

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Dt: 08.09.2005

Between:

K. Venkateswara Rao

.. Petitioner

AND

The Govt. of A.P., rep., by its Principal Secretary,

Department of Higher Education, Hyderabad,

& 3 others.

.. Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.18379 OF 2005

ORDER:

The petitioners appeared in the ICET-2005 examination conducted by a centralized agency in the State for the purpose of selecting candidates for admission in to 1st year MCA course in various universities in the State. They secured the ranks, 46012 and 60143 respectively. On the basis on their ranks, they could not get admission in

the campus colleges of universities or government institutions. They were also not found fit to be admitted against the seats in the private affiliated colleges, meant to be allotted by the Convener.

Petitioners approached the 4th respondent, a college affiliated to Acharya Nagarjuna University, the 2nd respondent, seeking admission against the management quota. The 4th respondent admitted the petitioners, subject to the approval by the 2nd respondent.

When it came to the question of approval of admissions made by the 4th respondent, the 2nd respondent took an objection in relation to petitioners on the ground that they were above 25 years of age. In view of this objection, the 4th respondent did not finalise the admissions of the petitioners. The action of the respondents is challenged by the petitioners.

Sri Rajasekhar, learned counsel for the petitioners, submits that neither at the time of conducting the entrance examination nor while issuing notification for admissions, there was any stipulation as to age and that there was no justification for the 2nd respondent in taking objection about the admission of the petitioners.

Learned Standing Counsel for the 2nd respondent, Sri T.S.Harinath, on the other hand, submits that the 2nd respondent published information brochure for admission into MBA and MCA courses for the academic year 2004-2005 and that there was a clear stipulation as regards age limit. He contends that the same set of rules was followed for the current academic year also for campus and affiliated colleges.

The narrow controversy in this writ petition is as to whether the petitioners have incurred any disqualification for being admitted into the first year of MCA course, on account of their age. It is not in dispute that the 3rd respondent, who conducted the entrance examination, did not stipulate any restriction as to the age limit for appearance in the entrance examination. However, a stipulation was made to the

effect that the candidates shall have to fulfill the eligibility conditions prescribed by the respective Universities. Therefore, it needs to be seen as to whether the 2nd respondent has stipulated any such criterion in the matter of age of candidates, and if so, what is its purport.

A perusal of the brochure published for the academic year 2004-2005 discloses that the restriction of age was placed only in relation to those candidates who seek admission into ANU campus college or ANU PG Centre. The relevant provision in the Rule reads as under:

"**V. BASIC ELIGIBILITY CRITERIA**

1. Candidates applying for MBA or MCA should have passed any Bachelor's Degree of minimum three years duration (10+2+3) of a recognized University, other than BFA & BOL.

2. Candidates who have completed 25 years of age as on 01.07.2004 are not eligible for admission into ANU Campus College or ANU PG Centre. There is a relaxation of 5 years in case of SC & ST candidates. However, the age restriction does not apply to candidates seeking admission into affiliated colleges. There is no age restriction for sponsored seats."

It is stated that this very Rule is followed for the current academic year also. A perusal of the provision discloses that the age restriction was only for those candidates, who seek admission in the ANU Campus College or ANU PG Centre. The Rule does not take in its fold, the private affiliated colleges. The admission of the petitioners was in a private affiliated college.

Learned Standing Counsel has placed heavy reliance upon a note, said to have been made by the Registrar of the University and approved by the Vice-Chancellor on 12.07.2005. A perusal of the note discloses that they intended to enforce the age restriction in the affiliated colleges also. The fact, however, remains that the notification for admission for the colleges under the 2nd respondent was issued on 07.07.2005 and as on that date, the age restriction of 25 years was not extended to the admissions in affiliated colleges. The endorsement, dated

12.07.2005, has not taken a shape of the rule of admission. Even assuming that it has attained such a status on the date of endorsement itself, it can at the most, be effective from the next academic year, since it was made subsequent to 07.07.2005, the date on which the notification for admission was issued. It hardly needs any emphasis that it is not open to any authority to alter or modify the basis or criterion for admission, once a notification is issued. Further, the 2nd respondent cannot decide the fate of students on the basis of the endorsements in the note files, made a later stage.

For the foregoing reasons, the writ petition is allowed and the respondents 2 and 4 are directed to process the admission of the petitioners, without reference to the age of the petitioners. There shall be no order as to costs.

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08.09.2005

Note:- Issue CC in 2 days.

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***THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

WRIT PETITION NO.18379 OF 2005

% Dated: 08-09-2005

Between:

1. Kommuru Venkateswara Rao, S/o. Ramakrishna,

Aged about 35 years, Student, R/o. Repalle,

Guntur District & another.

….Petitioners

A N D

1. The Govt. of A.P., rep., by its Principal Secretary,

Department of Higher Education, Hyderabad

& others.

…..Respondents

! COUNSEL FOR THE PETITIONERS : P.Rajasekhar

^ COUNSEL FOR RESPONDENT No.2 : T.S.Harinath

< Gist:

> Head Note:

? CITATIONS: